

1 EDMUND G. BROWN JR.
Attorney General of California
2 SETH K. SCHALIT
Supervising Deputy Attorney General
3 CATHERINE MCBRIEN
Deputy Attorney General
4 State Bar No. 120873
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5760
6 Fax: (415) 703-1234
E-mail: Catherine.McBrien@doj.ca.gov
7 *Attorneys for Respondent*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 **ALVIN SMART,**

14 Petitioner,

15 **v.**

16 **KELLY HARRINGTON, Acting Warden,**
17 **Kern Valley State Prison,**

18 Respondent.
19

C 09-03127 CW (PR)

**APPLICATION TO FILE OVER-SIZED
BRIEF**

20 Pursuant to Civil L.R. 7-4(b), respondent hereby requests leave to file a brief in excess of
21 25 pages. Good cause for filing the oversized brief is set forth in the accompanying Declaration
22 of Counsel in Support of Application for Leave to File Oversized Brief.

23 //

24 //

25 //

26 //

27 //

1 WHEREFORE, respondent respectfully requests that this Court grant respondent leave to
2 file an over-sized brief.

3 Dated: July 23, 2010

Respectfully submitted,

4 EDMUND G. BROWN JR.
5 Attorney General of California
6 SETH K. SCHALIT
7 Supervising Deputy Attorney General

8 */s/ Catherine McBrien*
9 CATHERINE MCBRIEN
10 Deputy Attorney General
11 *Attorneys for Respondent*

12 SF2010200231
13 20314231.doc
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28